

ZB# 07-37

Matthew Zaloga

89-6-10

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 9-10-07

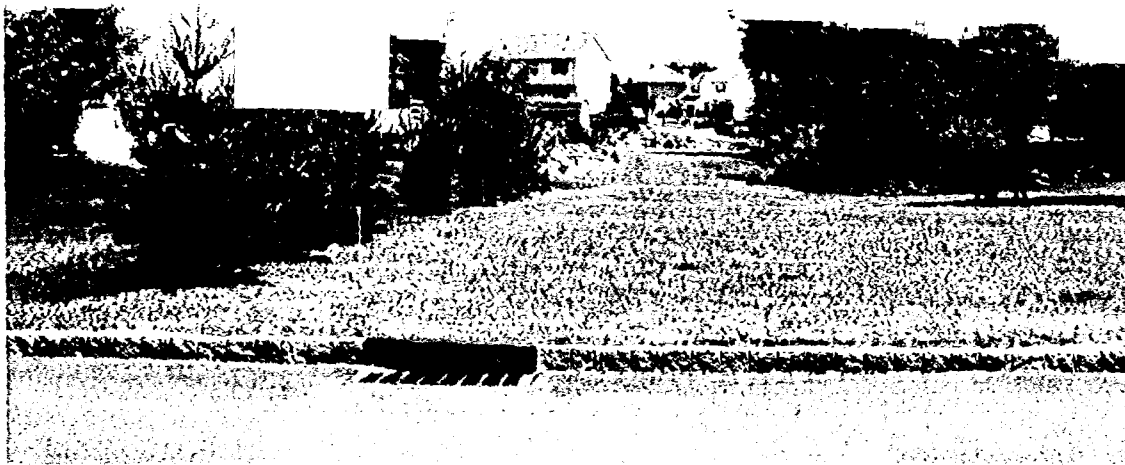
07-37 Matthew Zappa (for Mazz) IN
1016 Forest Glen (89-6-10)

07-37









NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 89-6-10

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

STANELY MAZZA

AREA

CASE #07-37

WHEREAS, STANLEY MAZZA, owner(s) of 1016 Forest Glen, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a request for variance to permit 8 ft. fence for proposed tennis court at 1016 Forest Glen in an R-3 Zone.

WHEREAS, a public hearing was held on September 10, 2007 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York and adjourned to September 24, 2007, at which time it was concluded; and

WHEREAS, the applicant appeared on behalf of this Application; and

WHEREAS, there were three members of the public present at the public hearing; and

WHEREAS, three persons were opposed to the Application and expressed their opposition their on September 10, 2007; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) The Applicant seeks to construct an 8ft. chain link cyclone fence in connection with the construction of tennis court on his property. The purpose of the fence is to keep the tennis balls from going into neighborhood properties.

- (c) The property is located on the corner of two roadways
- (d) In constructing the tennis court and in the area in which the fence is to be constructed the Applicant did not remove any trees or substantial vegetation.
- (e) The tennis court is located on a 20ft sewer easement in favor of the Town of New Windsor. Apparently the Town Attorney has approved construction on the easement with an agreement with the owner that if there is ever a need to remove the fence, provided that the fence is approved, the Applicant will do so at his own expense and replace the fence at his own expense and there is no liability on the part of the Town.
- (f) The fence does not create the ponding or collections of water nor will it divert the flow of water drainage.
- (g) The purpose of the fence is to enclose the tennis court not the house.
- (h) The tennis court is intended for the personal use of the occupants of the adjacent one family dwelling and will not be used to hold tournaments or other commercial purposes.
- (i) The Applicant is asked for permission to erect an 8ft. fence because; due to the easement he cannot install vegetation to accomplish the intended purpose for the fence.
- (j) The objectants voiced objections to the existence of the tennis court, but the Town of New Windsor has advised the ZBA that the tennis court is an allowed use in that district.
- (k) The fence will not impair the vision of motorists on the adjacent roadways or impede the safe operation of motor vehicles on said roadways.
- (l) The Application seeks to extend the 6ft. permitted height to 8ft. for a length of approximately 20ft. adjacent to the proposed tennis court and equaling the width of said court.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.

3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

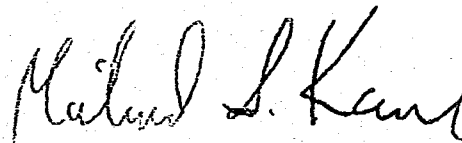
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for variance to permit 8 ft. fence for proposed tennis court at 1016 Forest Glen in an R-3 Zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: September 10, 2007



Chairman

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: June 12, 2007

APPLICANT: Matthew Zaloga
522 Union Avenue
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 06/08/07

FOR: Gustavo & Maria Mazza

LOCATED AT: 1016 Forest Glen

ZONE: R-3 Sec/Blk/ Lot: 89-6-10

DESCRIPTION OF EXISTING SITE: Single Family Dwelling With Proposed ^{8'}~~7.5'~~ Fence

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-11 (1) C Exceptions to yard requirements.

(c) Fences or walls not over six feet in height may be erected anywhere on the lot except as follows:
between the principal building and the street or streets on which it fronts, the maximum permissible height shall be four feet except as set forth in Subsection B, Corner lots.

A variance to permit a ~~20~~ ft fence is required.

8 FT

Louis J. Kynahan
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-3 USE:

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP
6/14/07 *Went over applicat + gave it
to applicant.*

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and permit fee.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 2007-448

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP A LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises CRIS MAZZA

Address 1016 Forest Glen Phone # _____

Mailing Address SAME Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor MSZ LANDSCAPE

Address 522 UNION AVE Phone 565-9082

State whether applicant is owner, lessee, agent, architect, engineer or builder Contractor / LANDSCAPER

If applicant is a corporation, signature of duly authorized officer _____
(Name and title of corporate officer)

1. On what street is property located? On the EAST side of Forest Glen
(N, S, E or W)
and _____ feet from the intersection of Summit Woods
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y N V
3. Tax Map Description: Section 89 Block 6 Lot 10
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
 - a. Existing use and occupancy _____
 - b. Intended use and occupancy _____
5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other 7 1/2 Ft. Fence
6. Is this a corner lot? yes
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee _____

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

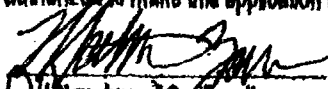

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Kryshner
New Windsor Town Hall
855 Union Avenue
New Windsor, New York 12553
(845) 563-4818
(845) 563-4888 FAX

bids insp Examined _____
Pre insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Constructor Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and codes and that he is the owner or agent of all that certain lot, place or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.


(Signature of Applicant)

(Owner's Signature)

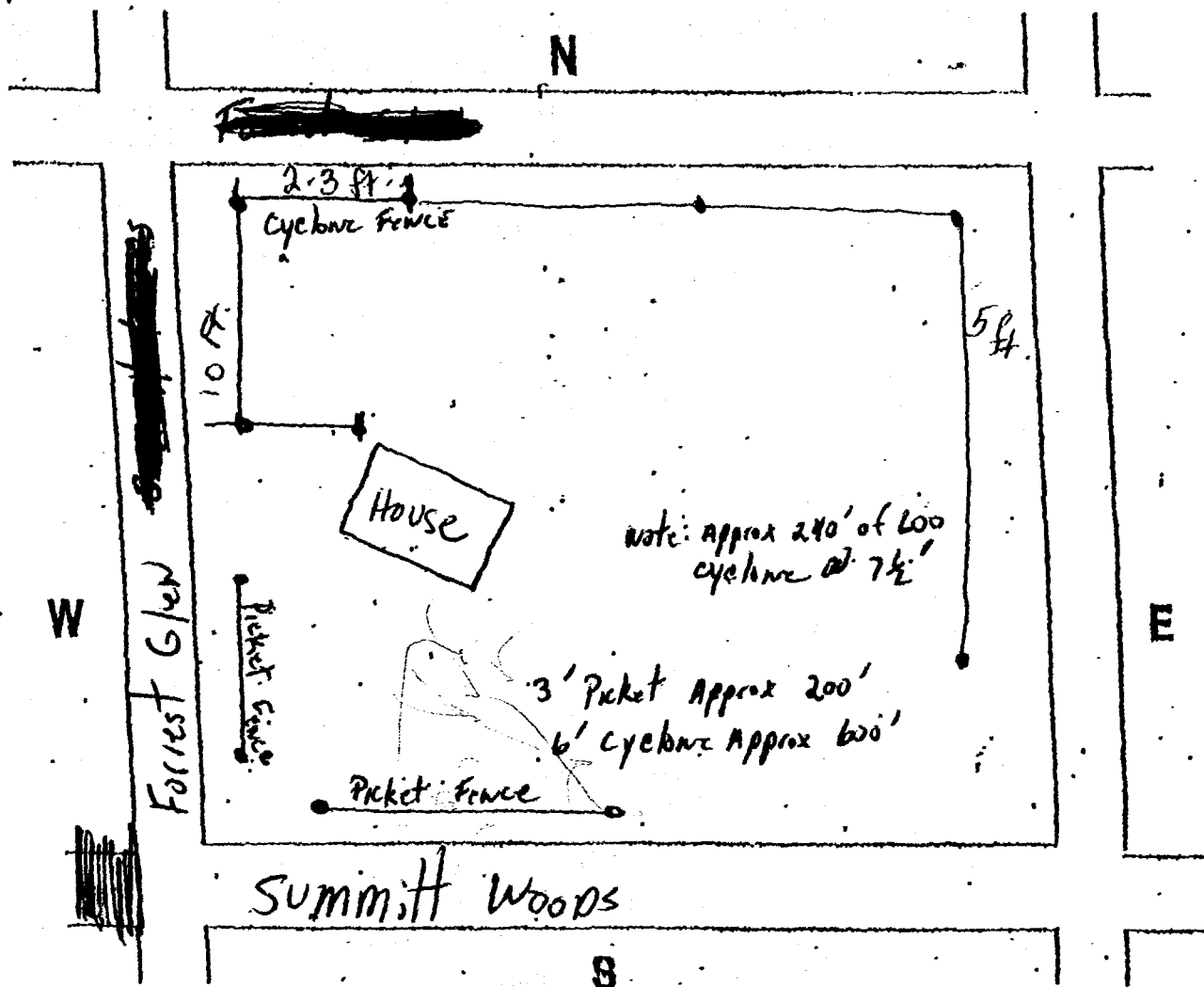
522 UNION AVE NEW WINDSOR NY
(Address of Applicant)

1016 Forrest Glen New Windsor NY
(Owner's Address)

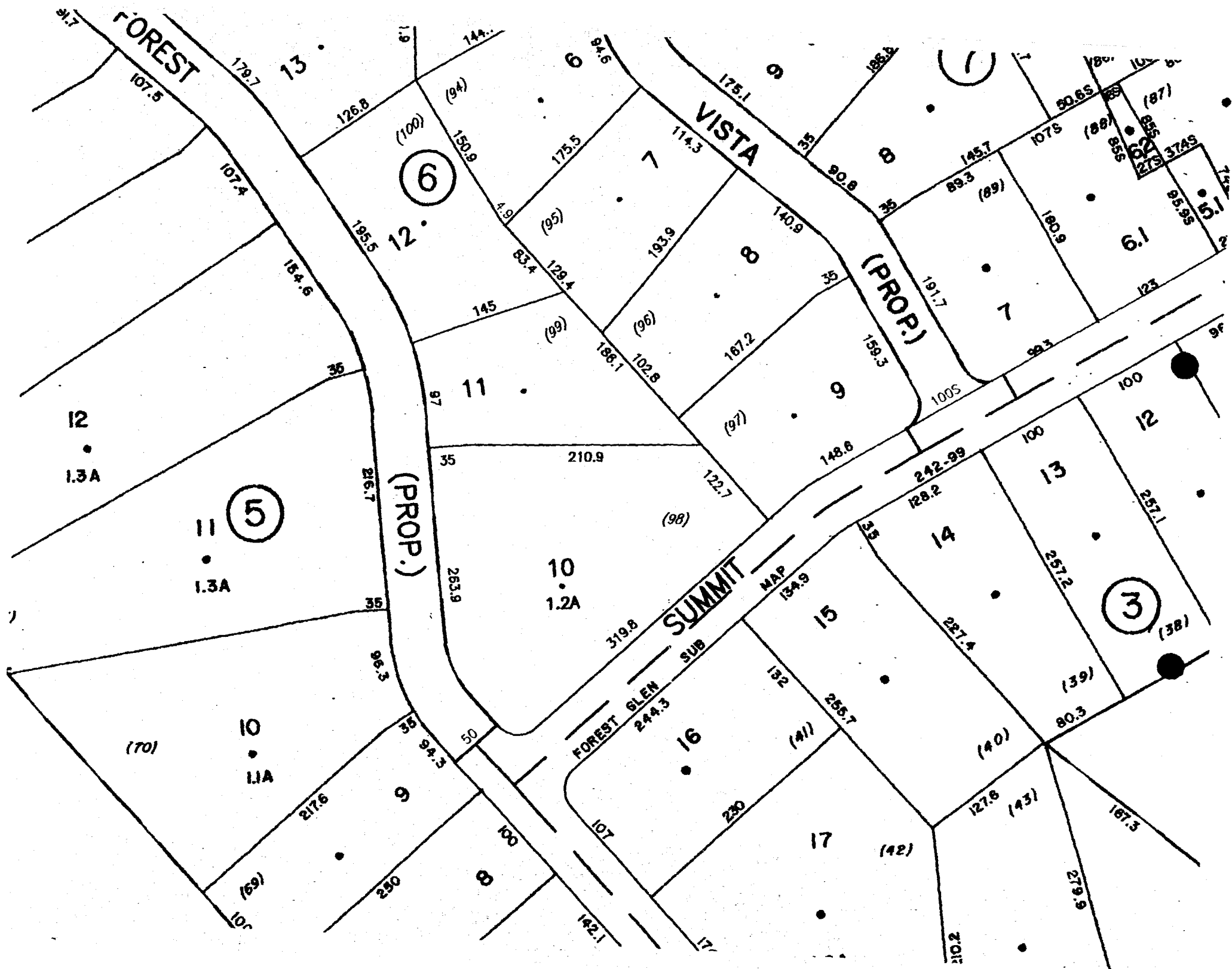
PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

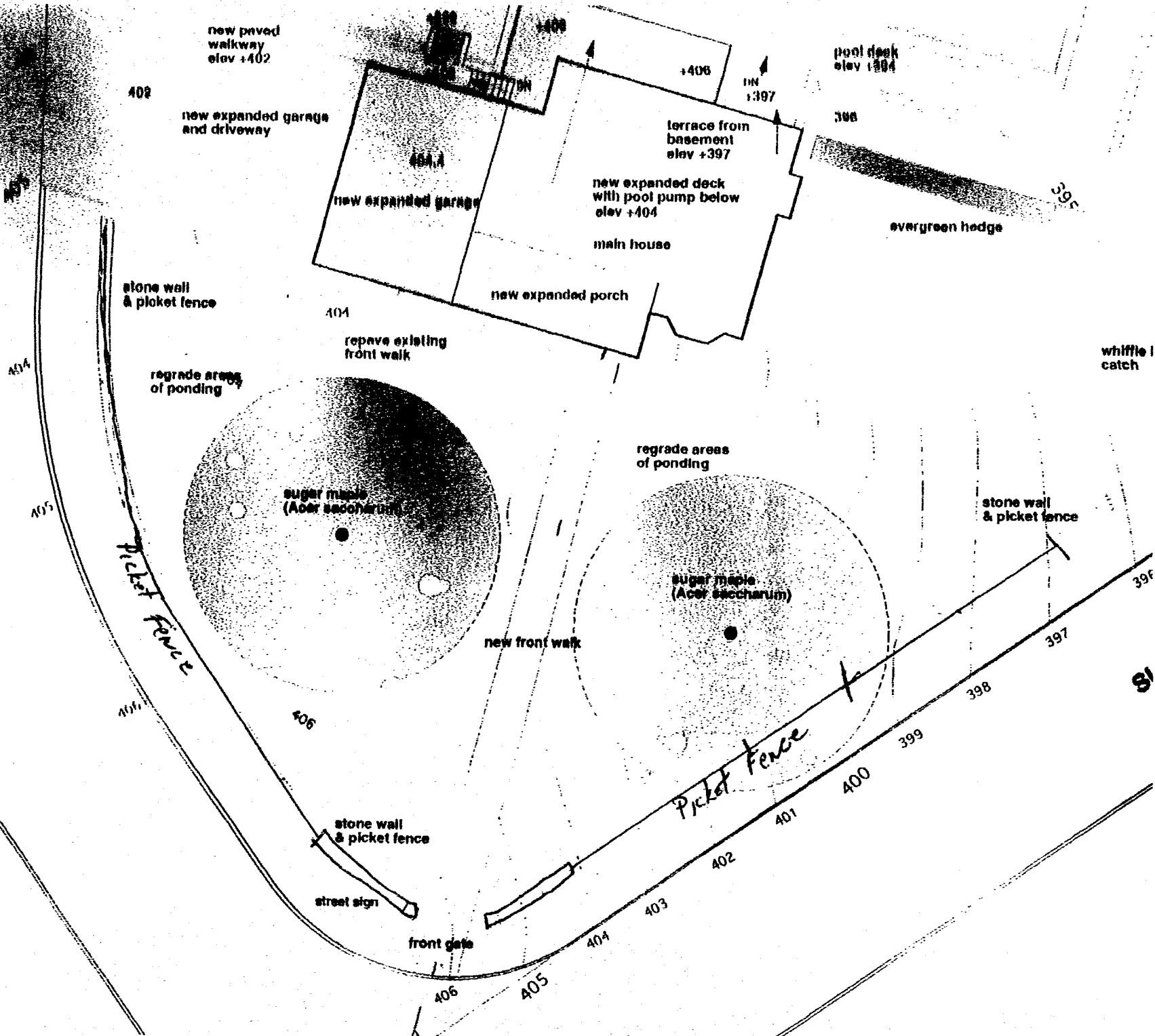


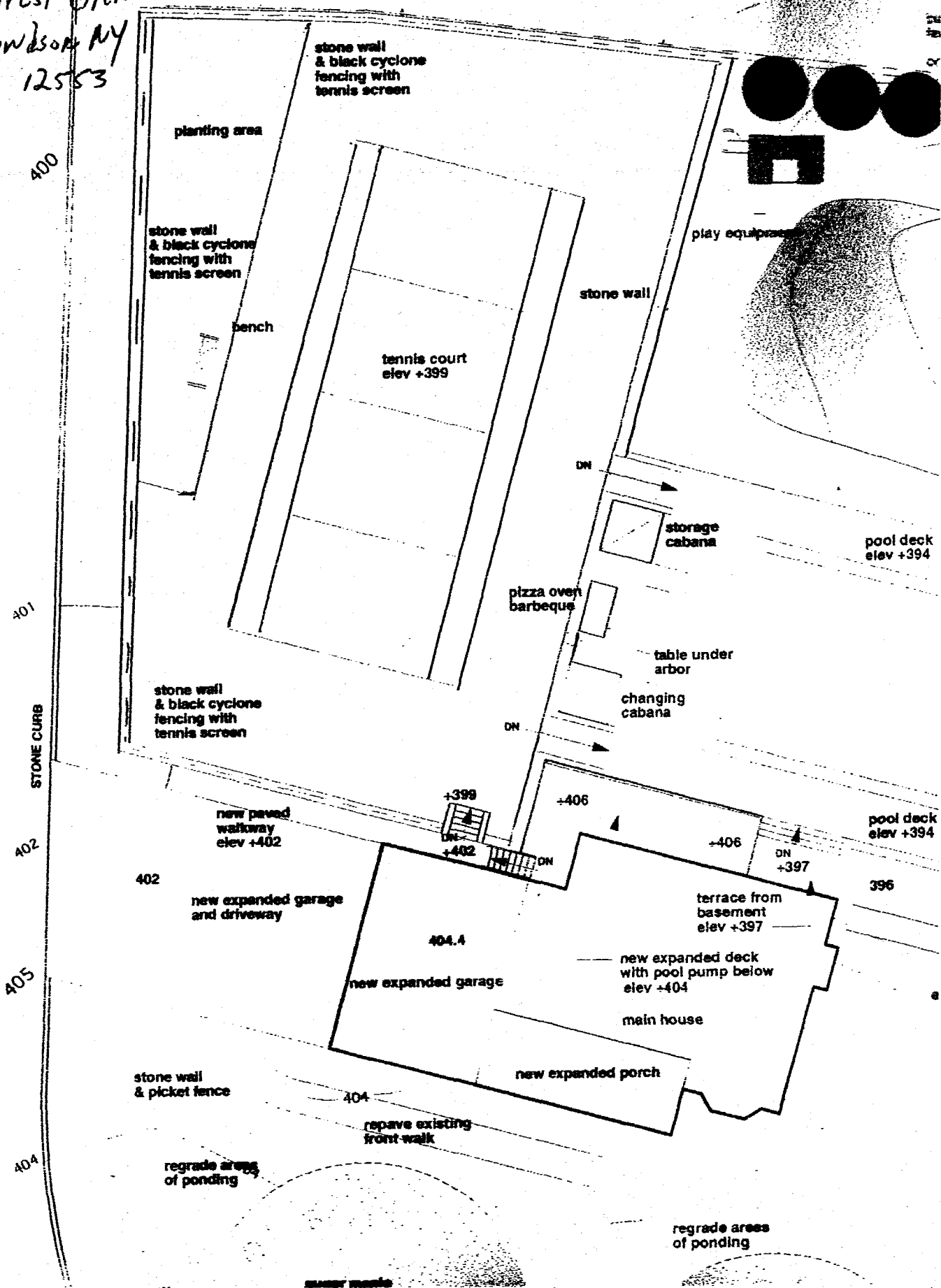
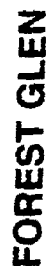
PLEASE ALLOW TEN TO TEN DAYS TO PROCESS
IMPORTANT
VOLUNTARY CALL FOR ALL NEIGHBORHOODS



FOREST GLEN

GUS MAZZA
1016 Forest Glen
New Windsor NY



$$1'' = 20'$$


**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: JACK FINNEGAN, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: NOVEMBER 9, 2007
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 11.55 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #07-37

NAME & ADDRESS:

**Matthew Zaloga
DBA MSZ LANDSCAPE CONSTRUCTION
522 Union Avenue
New Windsor, Ny 12553**

THANK YOU,

MYRA

J.F.11/09/07



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #07-37 TYPE: AREA TELEPHONE: 567-3506

APPLICANT:
Matthew Zaloga
522 Union Avenue
New Windsor, Ny 12553

RESIDENTIAL:	\$ 50.00	CHECK #1689
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK #1690

~~~~~

| <u>DISBURSEMENTS:</u> | <u>MINUTES</u>       | <u>ATTORNEY</u> |
|-----------------------|----------------------|-----------------|
|                       | <u>\$7.00 / PAGE</u> | <u>FEE</u>      |

|                              |            |       |                  |                  |
|------------------------------|------------|-------|------------------|------------------|
| PRELIMINARY:                 | <u>6</u>   | PAGES | <u>\$ 42.00</u>  | <u>\$ 35.00</u>  |
| 2 <sup>ND</sup> PRELIMINARY: | <u>   </u> | PAGES | <u>\$       </u> | <u>\$       </u> |
| PUBLIC HEARING:              | <u>13</u>  | PAGES | <u>\$ 91.00</u>  | <u>\$ 35.00</u>  |
| PUBLIC HEARING:              | <u>5</u>   | PAGES | <u>\$ 35.00</u>  | <u>\$ 35.00</u>  |

LEGAL AD: Publish Date: 8/28/07      \$ 15.45

TOTAL:      \$183.45      \$105.00

~~~~~

ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 288.45

AMOUNT DUE: \$

REFUND DUE: \$ 11.55

Cc:

J.F. 11/09/07

AFFIDAVIT OF MAILING

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

MATTHEW ZALOGA (for Mazza)

**AFFIDAVIT OF
SERVICE
BY MAIL**

#07-37

X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 131 Mt. Airy Road, New Windsor, NY 12553.

That on the 28th day of AUGUST, 2007, I compared the 48 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

10th day of September, 2007

J. Gallagher
Notary Public

JENNIFER GALLAGHER
Notary Public, State of New York
No. 01GA6050024
Qualified in Orange County
Commission Expires 10/30/12

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 07-37

Request of MATTHEW ZALOGA (for Mazza)

for a VARIANCE of the Zoning Local Law to Permit:

Request for variance to permit 8 ft. fence for proposed tennis court at 1016 Forest Glen in an R-3 Zone (89-6-10)

**PUBLIC HEARING will take place on SEPTEMBER 10, 2007
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.**



Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

July 30, 2007

Matthew Zaloga
522 Union Ave.
New Windsor, NY 12553

Re: 89-6-10 ZBA#: 07-37 (48)

Dear Mr. Zaloga:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$65.00 minus your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/rah
Attachments

CC: Myra Mason, Zoning Board



89-6-4
JARED FLAGG &
JUDITH RICHARDS FLAGG
1034 ROLLING RIDGE
NEW WINDSOR, NY 12553

89-7-3.1
WILLIAM & PATRICIA AMARO
1040 ROLLING RIDGE
NEW WINDSOR, NY 12553

89-6-5
JOHN & BARBARA BOYER
1009 VERDE VISTA
NEW WINDSOR, NY 12553

89-7-4.1, 4.2
MICHAEL & CLAUDINE LYNCH
1042 ROLLING RIDGE
NEW WINDSOR, NY 12553

89-6-6
JOHN CITO
1007 VERDE VISTA
NEW WINDSOR, NY 12553

89-7-5.1, 5.2
MICHAEL SQUILLANTE
1044 ROLLING RIDGE
NEW WINDSOR, NY 12553

89-6-7
ROBERT &
KATHLEEN SANTARSIERO
1005 VERDE VISTA
NEW WINDSOR, NY 12553

89-7-6.1, 6.2
JOHN GAINES &
SHERRI HUNTZINGER
1016 SUMMIT WOODS
NEW WINDSOR, NY 12553

89-6-8
ALAN & PAMELA FOX
1003 VERDE VISTA
NEW WINDSOR, NY 12553

89-7-7
DAVID & STACY ZAGON
1002 VERDE VISTA
NEW WINDSOR, NY 12553

89-6-9
STEVEN & CAROLINE SORCE
1001 VERDE VISTA
NEW WINDSOR, NY 12553

89-7-8
EILEEN &
CHRISTOPHER MURPHY
1004 VERDE VISTA
NEW WINDSOR, NY 12553

89-6-11
TODD & JULIETTE MORRIS
1018 FOREST GLEN
NEW WINDSOR, NY 12553

89-7-9
KEVIN & LAUREE MACKAY
1006 VERDE VISTA
NEW WINDSOR, NY 12553

89-6-11
GARY &
BARBARA REGENBAUM
1020 FOREST GLEN
NEW WINDSOR, NY 12553

89-7-10
VINCENT DOBILAS &
BARBARA STAHL
1008 VERDE VISTA
NEW WINDSOR, NY 12553

89-6-13
MARK & ROSEMARIE
AMICI
1022 FOREST GLEN
NEW WINDSOR, NY 12553

89-7-2.1
BRYAN & JULIA DIGOVANNI
1038 ROLLING RIDGE
NEW WINDSOR, NY 12553



65-1-13 FREDRICK D. & ROSE MARIE WERNER PO BOX 156 VAILS GATE, NY 12584	89-3-17 LOUIS & JILL DILORENZO 1012 FOREST GLEN NEW WINDSOR, NY 12553	89-5-10 LIZA & JOHN MELLON 1019 FOREST GLEN NEW WINDSOR, NY 12553
65-1-15 SEVERINO & CONSTANCE D'AGOSTINO 106 DEAN HILL RD. NEW WINDSOR, NY 12553	89-3-18 PETER & CARLA BIOLSI 1016 PINE VIEW NEW WINDSOR, NY 12553	89-5-11 ARMONDO & JEAN PALIOTTA 1021 FOREST GLEN NEW WINDSOR, NY 12553
65-1-47 WINDSOR HEIGHTS, LLC C/O MID HUDSON PARK MAN. 157 W. MAIN ST. WAPPINGERS FALLS, NY 12590	89-3-19 RONALD ATKINS 1014 PINE VIEW NEW WINDSOR, NY 12553	89-5-12 GREGORY & ANN UREN 1023 FOREST GLEN NEW WINDSOR, NY 12553
89-3-10 JAMES CHIANG 1019 SUMMIT WOODS NEW WINDSOR, NY 12553	89-4-6 JOSEPH L. JR. & MARGARET WOLF 1010 FOREST GLEN NEW WINDSOR, NY 12553	89-5-13 ROBERT & MARIANELA GALEANO 1025 FOREST GLEN NEW WINDSOR, NY 12553
89-3-11.1,11.2 ARVIND, ARVINDA & APURVA ENGINEER 1021 SUMMIT WOODS NEW WINDSOR, NY 12553	89-5-4 ROBERT & JEANETTE LOGERFO 1007 FOREST GLEN NEW WINDSOR, NY 12553	89-5-14 STANLEY & ASASALEE SWABY 1027 FOREST GLEN NEW WINDSOR, NY 12553
89-3-12 JOSEPH & ANN DINASO 1023 SUMMIT WOODS NEW WINDSOR, NY 12553	89-5-5 JAMES & KAREN GONYO 1009 FOREST GLEN NEW WINDSOR, NY 12553	89-5-15 JEFFREY BULUSAN & BRENDA LUCIANO-BULUSAN 1029 FOREST GLEN NEW WINDSOR, NY 12553
89-3-13 JOHN & SHELAGH FORD 1025 SUMMIT WOODS NEW WINDSOR, NY 12553	89-5-6 JEFFREY & Nanci RICH 1011 FOREST GLEN NEW WINDSOR, NY 12553	89-6-1 CONCETTA CACIOPPPO 1028 ROLLING RIDGE NEW WINDSOR, NY 12553
89-3-14 MARIO & PATRICIA RIVERA 1027 SUMMIT WOODS NEW WINDSOR, NY 12553	89-5-7 CLIFFORD & LESLIE TOBACK 1013 FOREST GLEN NEW WINDSOR, NY 12553	89-6-2 ATANDA & OLUWAKENI OWOLABI 1030 ROLLING RIDGE NEW WINDSOR, NY 12553
89-3-15 MICHAEL BUTLERS 1029 SUMMIT WOODS NEW WINDSOR, NY 12553	89-5-8 JUN HWANG & MIN JUNGWON 1015 FOREST FLEN NEW WINDSOR, NY 12553	89-6-3 ANN M. SISSLER & ANN M. RETTUS 1032 ROLLING RIDGE NEW WINDSOR, NY 12553
89-3-16 ANDREW & JULIE REGENBAUM 1031 SUMMIT WOODS NEW WINDSOR, NY 12553	89-5-9 SALVATORE & ROSEMARY GIGANTE 1017 FOREST FLEN NEW WINDSOR, NY 12553	89-6-4 JARED FLAGG & JUDITH RICHARDS FLAGG 1034 ROLLING RIDGE NEW WINDSOR, NY 12553

July 23, 2007

MATTHEW ZALOGA (for Mazza) (07-37)

MR. KANE: Preliminary meeting, Matthew Zaloga, request for variance to permit 8 ft. fence for proposed tennis at 1016 Forest Glen in an R-3 zone. Good evening.

Mr. Matthew Zaloga appeared before the board for this proposal.

MR. ZALOGA: Good evening.

MR. KANE: State your name and your address.

MR. ZALOGA: Matthew Zaloga, 522 Union Avenue, New Windsor, New York. I am the contractor at 1016 Forest Glen in New Windsor for Gus Mazza and as of today I am here pleading my case for my fence.

MR. KANE: Can you show me on these pictures where you want to put it?

MR. ZALOGA: Yes, I can.

MR. KANE: Thank you.

MR. ZALOGA: (Indicating.)

MR. KANE: I am figuring maybe these orange stakes?

MR. ZALOGA: Okay. Let's see, the 8 ft. fence right here actually behind those stakes on the property line right up against the trees.

MR. KANE: Right up against the trees. How far out to the road?

MR. ZALOGA: I would like to go up to 10 feet or 11 feet. I mean, roughly between 10 and 11 off of the road.

July 23, 2007

MR. LUNDSTROM: Is it a corner lot?

MR. KANE: Will the fence impede the vision of any traffic coming down the road?

MR. ZALOGA: I do not believe so. It's a cyclone fence.

MS. GANN: Can you define what a cyclone fence is?

MR. ZALOGA: Chain link. In other words, see through. It's just a linked fence.

MS. GANN: Okay.

MR. ZALOGA: Actually, from a distance you cannot even see it. You have to really look to see it.

MR. KANE: How far towards the -- towards the driveway? So you are starting the fence here, coming let's say 11 feet back there, how far towards the back of the house?

MR. ZALOGA: Realistically speaking I don't have them with me. I just took them this morning, but I have stonewalls -- this is all leveled off now so what I am looking for is climbing up where this is all leveled in the back here, but it cuts down into the front so I am looking at -- from 60 feet plus the 70 feet in the back of the tennis court area, everything up by the house can stay at 4 feet.

MR. KANE: The reason for the 8 ft. instead of 4 feet?

MR. ZALOGA: It's a tennis court.

MS. GANN: Sorry --

MR. KANE: For the public hearing could you bring in current pictures --

July 23, 2007

MR. ZALOGA: Yes, I can.

MR. KANE: -- of the site?

MR. ZALOGA: I will have plenty of them.

MS. GANN: My question was going to be are you taking down the trees here in the pictures?

MR. ZALOGA: No.

MS. GANN: Okay. How about these over here (indicating)?

MR. ZALOGA: No.

MR. LUNDSTROM: Mr. Chairman --

MR. KANE: They have done some excavating work in there so....

MR. LUNDSTROM: -- just a point of curiosity, what street does the house front on?

MR. KANE: It's -- it actually fronts on --

MR. BABCOCK: Right to the --

MR. KANE: Forest Glen and Summit. The front corner of both.

MR. BABCOCK: Eric (indicating.)

MR. LUNDSTROM: Yes.

MR. BABCOCK: What is the address?

MR. KANE: 1016 Forest Glen so apparently we feel it faces Forest Glen more than Summit.

MR. LUNDSTROM: Yes.

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MR. BABCOCK: That is why we gave it that address.

MS. LOCEY: So there is going to be a picket fence in front of the house?

MR. ZALOGA: The picket fence is already installed, correct.

MS. LOCEY: And the cyclone fence is going to start at the rear looking at the house. It's the rear left-hand corner?

MR. ZALOGA: Yes.

MS. LOCEY: And it goes out towards the road?

MR. ZALOGA: Yes.

MS. LOCEY: And back?

MR. ZALOGA: Correct.

MR. LUNDSTROM: If I may, what I suggest you do at the public hearing is put that plan up on the easle board for the public to see that is here.

MR. KANE: One quick note, a slight discrepancy, so let's just make sure we have in the paperwork -- in the minutes we have an 8 ft. fence and the variance in the disapproval says a 7.5 ft. fence.

MR. ZALOGA: That was the original.

MR. KANE: It was changed so it will be 8 ft.

MR. ZALOGA: It was changed to 8 ft. after I had talked to Lou.

MR. KANE: We'll correct it then. Thank you.

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MR. LUNDSTROM: You said Lou, Lou being the building department?

MR. ZALOGA: Yes.

MR. KANE: No easements where the fence is going to go?

MR. ZALOGA: There is a 20 ft. easement in the back corner that I have to go over that actually runs towards the pine trees that you saw in the picture.

MR. KANE: Yes.

MS. LOCEY: What kind of easement is it?

MR. ZALOGA: It's a sewer easement.

MR. BABCOCK: The homeowners and the town have an agreement. I just talked to Mike about that and that can be part of this file once we just get a copy of it.

MR. KANE: Okay. So you understand that if -- or the homeowner should understand that if the town needs to get through there they can go right through.

MR. ZALOGA: Yup.

MR. BABCOCK: Yup.

MR. KANE: I have no further questions at this point. Anybody else on the board? I will accept a motion.

MS. GANN: I will offer a motion to schedule a public hearing on the application of Matthew Zaloga (for Mazza) on the request for variance to permit an 8 ft. fence for proposed tennis court at 1016 Forest Glen.

July 23, 2007

MR. LUNDSTROM: Second that motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. KANE	AYE

MATTHEW_ZALOGA_(FOR_MAZZA)

MS. GANN: Request for variance to permit 8 foot fence for proposed tennis court at 1016 Forest Glen.

MR. MAZZA: I'm Stanley Mazza, I'm the owner. Matthew Zaloga is my landscape architect. I'm here to apply for a variance on the property line adjoining my house next to my neighbor's house. What we'd like to do is put in an eight foot chain link cyclone fence black perforated to prevent balls from my tennis court going into my neighbor's yard. Currently, I'm a corner lot so my rear portion of my lot is actually the front yard so there's a 6 foot requirement up to the building line and there's a 4 foot drop beyond the building line and that's what we're requesting the 8 foot variance just on that area running the property line.

MR. LUNDSTROM: On the plot plan it shows that Forest Road the other road are proposed?

MR. BABCOCK: No, they're actually dedicated roads at this time.

MR. LUNDSTROM: So this particular property again is a corner lot with two front yards?

MR. BABCOCK: That's correct.

MS. GANN: Looks as though the construction for the tennis court has begun?

MR. MAZZA: Yes, it's almost completed, they just paved it today, what's left to do is to paint it green, you have to wait almost 30 days.

MS. GANN: Did you take substantial vegetation down in the building of it?

MR. MAZZA: No, just open green lawn.

MS. GANN: Will this be creating any water hazards that you know of?

MR. MAZZA: No, it's drainage and it's all going to stay on my property, the topo there's a valley between my property and the adjoining property and it's basically drained in a watershed.

MS. GANN: And these trees right here will be staying?

MR. MAZZA: Those are on my neighbor's property.

MR. LUNDSTROM: For the benefit of the rest of us would you show us on that?

MR. MAZZA: These are the trees and basically the court is approximately about 12, how many feet away?

MR. ZALOGA: About 20 feet off the road.

MR. LUNDSTROM: Which road is it off of?

MR. MAZZA: Forest Glen, so it's 10 feet for the town easement so it's 10 feet plus so it's 20 feet from the curb and it runs, doesn't run parallel to Forest Glen, has a slight, it's at an angle so it, so as it goes further away from the house it gets further away from the property. I can show you in a picture here. Actually, see how that the street goes this way, the lot goes this way so the area of the fence is actually, can I just mark this?

MS. GANN: Absolutely.

MR. MAZZA: The fence is probably say 20 feet about here to say around here and now we're just going to put the standard approved type fence all the way around the rest of the property.

MS. GANN: Will the fence be going over any easements?

MR. MAZZA: Yes, we're on a 20 foot, there's a 20 foot sewer easement, we already got the town, the attorney for the town approved it, had to make a restricted declaration that states if there ever is a need to remove the fence I will be notified and I will remove the fence and--

MS. GANN: Do we have that on file, Mike? Sorry, you can proceed.

MR. MAZZA: So it's actually at the edge of my property line so the easement goes 20 feet from my property line into my property so it's actually on the edge of the, on my property line which is the beginning of the easement. So it's not really, it's on, and it will cross a 4 foot high street side of the fence, it will be at the zoning permitted height and that will, that won't cross, that will cross there but we got the okay from the attorney if they need to go in and replace I will, I will remove the fence and if they remove it it's at my cost.

MS. GANN: And the tennis courts are going to be used for your own personal use?

MR. MAZZA: Yes.

MS. GANN: Not going to have tournaments?

MR. MAZZA: No, leave that to Flushing Meadows.

MR. LUNDSTROM: Was a building permit required for the tennis court?

MR. MAZZA: We applied for all our permits for the court and everything else that I have been doing on the property.

MS. GANN: Anyone else in the neighborhood have a tennis court?

MR. MAZZA: No.

MR. LUNDSTROM: One question, are there any other fences of that height in the neighborhood?

MR. MAZZA: No, there's fences that are 6 feet high in rear yards separating other homes, actually, you can see one barely far away, it's a white solid PVC.

MR. TORPEY: You're not fencing the house, just fencing the tennis court?

MR. MAZZA: I'm putting a fence around the perimeter of the property but it's all going to meet code standard zoning, the only reason why I requested a higher fence is just to provide containment of the balls.

MR. TORPEY: But it's not a complete fence around the whole entire house?

MR. MAZZA: It will be 8 feet when we're, what we're applying for is an 8 foot right around the court but 6 feet all the way around, I have a whole landscaping plan where I want to plant some vegetable gardens trying to deal with deer containment, they're just out of control and I know that 6 feet or 4 feet isn't going to make a difference but it will hold them back. So the design is aesthetically a good design, I hired a landscape architect to put up a good plan that's very, if you see some of the stone work and the fencing it's very typical to the area so we want to try to continue that, I'm trying to enhance the neighborhood, not bring it down with a fence. The intent is to contain the balls, that's all, if we can go a little bit higher without I don't think that would be fair.

MR. LUNDSTROM: That addresses the question I was going

to raise is most of your professional tennis courts have fences around them that are much higher than 8 feet cause again somebody can lob something up and it just goes over.

MR. MAZZA: Right, the reason why the court is 20 feet plus away from the fence and the area where you typically play is 15 feet so the surface area is the actual, actual end line of the tennis court is 35 feet from the property line where you actually stand and serve if I drew a diagram this would be along the end line but the court itself ends here where you actually play.

MR. BABCOCK: Also the fence along the road is more parallel to the tennis court than at the end of the tennis court so they're hitting the ball back and fourth parallel with the road instead of--

MR. MAZZA: Actually, no, it's away from the road.

MR. BABCOCK: This picture here is accurate, sir?

MR. MAZZA: Yeah, the reason, yeah, that's accurate if you see this here's the road this gives you a better idea.

MR. BABCOCK: But you're not hitting to the road.

MR. MAZZA: No, we're hitting, see, this is road here.

MR. LUNDSTROM: If I may again the chairwoman is being benefited by that but the rest of us are not, if it might just be put on the board itself.

MR. MAZZA: This is the road Forest Glen and the court is actually running at, is offset, I don't know what degree, probably like 25 degrees not parallel, 45 would be almost here.

MS. GANN: So the chances of the ball going over to that side over into the road probably more minimal.

MR. MAZZA: Well, we're going to plant vegetation on that and we're going to put a 4 foot fence that runs parallel to the court on the street side and going to plant vegetation. The dilemma I had was the easement doesn't allow me to plant vegetation because that would have been great just planting vegetation, you know, and that's it but this portion here that's 20 feet I really can't plant anything in so if I plant vegetation over here and the fence here would pretty much do a pretty decent job, you'll have even a 10 foot fence gets a ball that makes it over, again, it's recreational, not professionals.

MR. BABCOCK: You asked me if I had that document in my file, I do not but I can tell you at the last meeting preliminary when this gentleman was there I think it was his fence guy, the town attorney happened to be sitting in the audience at that time and he leaned over and whispered that that document does exist and he will send me a copy of it but that didn't happen, so I do know that it does exist. You have it, Myra?

MS. MASON: No, but I'll get it tomorrow.

MS. GANN: At this point, I'd like to open it up to the public hearing to anyone in the audience. Does anyone here at this public hearing have a comment? Come on up, sir, please.

MR. UREN: My name is Greg Uren, I live at, my wife and I own the property at 1023 Forest Glen and I was an avid tennis player, when I grew up, I actually played six years of varsity tennis in high school and I played tennis at Purdue University. And currently my house which is two houses over and is for sale. I purchased my house for \$585,000. I have several hundred thousand dollars tied up in equity. I have people coming

through my house right now not willing to purchase my house because we have right now an airplane tarmac across the street and we're building recreational tennis courts. Now tennis courts should be at a high school, should be at playgrounds. I have never played tennis in a neighborhood where the houses have the value of 350 to 6 to \$700,000. This is devaluing every house in the neighborhood and I adamantly oppose the building of this fence and this tennis court because I'm going to lose money and if I lose money I'm coming after some people here to sue them for some money. That's what I want to say.

MS. GANN: Thank you. Anyone else here for the public hearing?

MR. FLAGG: I'm Jed Flagg, I live at 1034 Rolling Ridge and again I'm adamantly opposed to this. This tennis court is going to be an eyesore in an otherwise lovely neighborhood. I've just moved into the area three to four years ago, I moved in because I liked the area, there's no fence of this height and there's certainly no other tennis court. We all have pools, whatnot, but they're all tasteful. This just doesn't meet the aesthetics of the neighborhood. I've got some additional concerns, one is there's a large fill pile right on the watershed right now with no siltation fence. I'm very concerned about that. That's our sewer lines that are getting filled up with dirt. There's also a lot of equipment that's been parked there for a long period of time with no siltation fence, hydraulic fluid could be leaking and cause a real mess. Again, I'm just, and the other issue that I've got a concern about is this notice went out several weeks ago but the construction didn't stop so what I don't want the town counsel to feel, you know, a real problem with the fact that the tennis courts been built, there's been a lot of money spent and I feel badly but, you know, I would not go forward and spending that kind of money if there are still issues

pending for permits. That's all.

MS. GANN: Thank you. Anyone else here for the public hearing?

MR. MORRIS: My name is Todd Morris, I live at 1018 Forest Glen. I own the property that's adjacent to the tennis court. I own the actual tree line that he's speaking of in the photos or the map here. My concern is that like the other gentlemen have said there are no tennis courts or fences of this nature in the neighborhood and I'm just, I'm not certain as to the actual appearance of what's going to happen to the neighborhood when it's finished. I don't know when the initial public hearings began or the permits were filed for this but I do know when I was out of town for 2 1/2 weeks, I came home and it was already under construction and it was early June if I'm not mistaken. I had not heard anything or received any notice until the resent notice for this public hearing. My wife and I called the town regarding the requirements of permits for tennis courts in the Town of New Windsor and was told I'll get back to you because the clerk did not know. She called my wife back and said there was no permit or anything required so I'm just a little concerned that there's some issues with the height of fencing and other fencing in general and the lack of any information that the town has for their part, if they spend a lot of money to put this in at this point are there issues with the town not having proper knowledge or codes for permits for these sorts of things? If so, I feel badly for him, I know he spent a lot of money on what's been done so far, it's been most of the work but if he filed for permits, I think someone should of notified them up front for what he was in store for.

MS. GANN: Thank you. Anyone else here for the public hearing? Seeing that there's not, we'll close the public portion and ask Myra how many mailings we had.

MS. MASON: On August 28, we mailed out 48 addressed envelopes and had no response.

MS. GANN: Mike, in regards to permits and things I'm assuming that that happened?

MR. BABCOCK: Yeah, he does not need a permit for the tennis court, he's allowed to have one there. And he's here tonight for the fence because it's higher than 4 foot in the front yard.

MR. TORPEY: It's in the front yard, it's a corner lot?

MR. BABCOCK: Well, we consider it a front yard because it's a corner lot.

MR. LUNDSTROM: Madam Chairwoman, if I might, one other question the first gentleman that spoke in the public hearing referred to the property across the street as airport tarmac, can I get some clarification on that, sir?

MR. UREN: All I'm saying as of today they have already poured the concrete.

MR. LUNDSTROM: Across the street?

MR. UREN: For the tennis courts. I'm trying to sell the house and I have a parking lot across the street and now we're going to have an 8 foot long chain link fence. I understand there's going to be vegetation eventually, I'm talking about selling my house right now and I'm talking about my life savings.

MR. LUNDSTROM: So the, what you refer to as the airport tarmac was actually what the applicant has as a tennis court?

MR. UREN: Yes, sir.

MR. LUNDSTROM: Okay, that was not clear from what your comments were, okay.

MS. GANN: Just curious when you started construction on the property.

MR. MAZZA: When I applied for the permits was it May or June?

MR. ZALOGA: It was June.

MR. MAZZA: It's a phase, we did the front, I put up a picket fence in the front, three foot picket fence and stone walkway and we worked our way around and we started grading the court area and took a while because we ran into rock ledge that if you see a picture we tried to chop out and we couldn't so we had to shift things and just weather and rain just caused delays and the paver.

MS. GANN: Now, the vegetation you're looking to build, I'm sorry, to plant, will that raise above this 8 foot fence?

MR. MAZZA: Yeah, my intention is not to make it look like a playground or anything else, try to make it as none, you know, there's elevation changes in the neighborhood so as you go further down up Forest Glen towards Brown's Pond the elevation changes so yes, you're always going to be able to see over the fence but so I was planning to plant 6 foot, 8 foot blue spruces and, you know, as much as I could up to the easement. And the courts going to be typical green color, even the side areas are going to be green, it's going to be monolithic green color and again my intention wasn't to ruin the neighborhood, it was to enhance what was there which was an open field with no vegetation, just grass really nothing to do there just--

MS. GANN: Any other comments?

MR. LUNDSTROM: One question to the building inspector, Mike, if this were a 6 foot or 4 foot fence would there be a need for a variance?

MR. BABCOCK: A 4 foot, no, a 6 foot, yes, 6 foot in the front yard.

MR. LUNDSTROM: You said you do have a 4 foot fence around other portions of the property?

MR. MAZZA: It's a three foot fence.

MR. BABCOCK: It's more of a decorative fence.

MR. MAZZA: The area of the fence will be here, what I was told is that the front line, the building line which is the corner of my garage entrance to the imaginary line that runs parallel to Forest Glen the front line of the building that's the front yard so basically this is the area here where the, I'm applying for the variance. So it's 4 feet and then when it goes passed the building line it's actually 6 feet and just going another two feet there so it's this area here where the variance is needed.

MR. LUNDSTROM: If by some chance you were to plant the vegetation there would that do any benefit to holding back tennis balls?

MR. MAZZA: Yes but I'm not able to plant anything because of the easement, well, that whole section around the perimeter I can plant all the vegetation, I'd rather plant that, you know.

MR. LUNDSTROM: But the area where you're showing the trees?

MR. MAZZA: This area here on my property line is an easement and I'm not allowed to plant trees.

MR. LUNDSTROM: But the other trees that you're showing are on the neighbor's property?

MR. MAZZA: Yeah, they're on the neighbor's property, they're in the picture there.

MS. GANN: Any other comments?

MR. LUNDSTROM: One comment I think two items in this one comment number one this board did send out letters to 48 neighbors and only 3 neighbors were interested enough to show up. This is not something that surprises us because this happens quite often. The apathy of the general public speaks volumes and many times that's very unfortunate. The second item that comes to my attention and I think deserves some comment is one of the people that spoke at this public hearing was very passionate about it and indicated and implied that if this board did not vote the way he would like us to vote there may be some lawsuits filed. To answer that let me say this that no matter what decision this board makes there's always the possibility that the people that do not like the decision that's being made can file a lawsuit. If we vote against it the applicant has the right to file a lawsuit. If we vote for it any of the three people that were here have the right to file a lawsuit against it, so that particular item is moot, that has really no need to be said, that has no bearing on this particular situation. And unfortunately again what that does is it kind of taints part of the comments that were said. With everything, Madam Chairman, again since there's only three members of the board here, I think we need to offer the same thing to this applicant that we have offered to the other ones that if one of the members here votes no the application will be turned down unless you'd like to request an adjournment to when there's more members of

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the board present.

MR. MAZZA: I'd like to request an adjournment.

MR. LUNDSTROM: With that in mind I will move that this board grant an adjournment again for the same period as the previous one. You did get comments from the public that the members of the board would have the minutes with the comments of all the public that spoke prior to that meeting.

MR. KRIEGER: So your motion is to table this application till October 22?

MR. LUNDSTROM: Yes.

MS. GANN: Just so you know this meeting will take place on September 24.

MR. MAZZA: I thought he said October 22.

MS. MASON: No, that was for the other applicant.

MS. GANN: September 24, just make note of that and we'll reconvene then, okay?

MR. TORPEY: I'll second it.

ROLL CALL

MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. GANN	AYE

TABLED_ITEM_FROM_9/10/07_MEETING:

MATTHEW_ZALOGA (FOR_MAZZA)

MR. KANE: Request for variance to permit 8 foot fence for proposed tennis court at 1016 Forest Glen.

Mr. Stanley Mazza appeared before the board for this proposal.

MR. KANE: Where did we leave off on the tabled item, did we close the public portion of the meeting?

MR. LUNDSTROM: I believe the public portion was closed and prior to the board issuing a vote the applicant was given the option to request an adjournment cause there were only three members there. He chose to accept the adjournment.

MR. KANE: Mr. Mazza, just review what you want to do for me, please.

MR. MAZZA: What I'm requesting is an extension of the height of the fence at the property line which is 6 foot is permitted but for the building line and only 4 foot is permitted after the building line just on the side piece of my portion of the property and the back part of the proposed tennis court location, just more of a ball containment. And it's going to be a clear black cyclone fence basically two inch chain link almost non-visible.

MR. KANE: And the reason for 8 foot?

MR. MAZZA: Just for ball containment.

MR. KANE: Six foot isn't high enough?

MR. MAZZA: Yes, it's a drop-in grade after the court so it actually drops.

MR. KANE: And the fence itself not going to inhibit the view of traffic coming down the street?

MR. MAZZA: No.

MR. KANE: If I remember correctly, the red flags are where the fence line's going to be?

MR. MAZZA: Yeah, it's right, actually, no, this is the property line but it's further in.

MR. KANE: Further in from there?

MR. MAZZA: Yeah, actually around here and this way.

MR. LUNDSTROM: Question. On this plot plan, you're saying this particular area here would be what height is that going to be the 8 foot?

MR. MAZZA: It's tough to draw a plot plan, the 8 foot is this is Forest Glen so it would be here cause this is the adjoining property, this is not a street, this is the adjoining lot.

MR. LUNDSTROM: This would be the 8 foot for how long?

MR. MAZZA: For approximately--

MR. LUNDSTROM: The width of the tennis court.

MR. MAZZA: The width of the tennis court.

MR. LUNDSTROM: This would be--

MR. MAZZA: That would be 4 feet behind the trees.

MR. LUNDSTROM: And this would be?

MR. MAZZA: Four feet.

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MR. LUNDSTROM: And the rest?

MR. MAZZA: Six feet.

MR. LUNDSTROM: Okay.

MR. KANE: Okay, I'm refreshed.

MR. MAZZA: I just wanted to show you the area he talked about is this here, tennis court is on an angle this way.

MR. KANE: And it's not going to cover the easement, go over the easement in the back towards the trees?

MR. BABCOCK: Yeah, he's got, Mr. Chairman, I brought a copy, excuse me, I shouldn't have butted in, I brought a copy of, fill-in chairman last meeting said that she would like to see a copy of the agreement from the Town of New Windsor and this gentleman that he could put the fence on the easement as long as he removes it whenever necessary, if the town deems it necessary, I have that and I can give that.

MR. KANE: And that was entered into the record?

MR. BABCOCK: Myra, did they send you a copy?

MS. MASON: I have one.

MR. BABCOCK: Yes.

MR. LUNDSTROM: Just a point of clarification so the only thing before this board tonight is for a 20 foot length section behind the tennis court between the tennis court and your neighbor, the 20 foot width section that would be 8 foot high?

MR. MAZZA: Yes, I don't know if it's 20 feet but it's

approximately that.

MR. KANE: Just that one section.

MR. MAZZA: The width of the court, the surface area of the court.

MR. LUNDSTROM: Will there be trees behind that or in front of that?

MR. MAZZA: And my property if the town would allow me to plant trees we could.

MR. BABCOCK: We don't want him to put trees there because it's an easement and you have to tear the trees out to get there, so the town is not opposed to the fence cause you just pull the fence apart and go in there and you're all set, trees would have to come down on dig them out, that's why the town doesn't want the trees.

MR. LUNDSTROM: Okay.

MR. BABCOCK: Actually that was his first reply to the town, try to put trees there and the town said no.

MR. LUNDSTROM: What's the easement that that's on?

MR. BABCOCK: It's a utility easement, I think there's a sewer line in there right now.

MR. MAZZA: Water, sewer and water drainage.

MR. KANE: Any further questions from the board? Hearing none then I'll accept a motion.

MR. LUNDSTROM: Mr. Chairman, in preparation for the motion may I say that the last meeting that this gentleman was here there were some comments from the public and basically the comments from the public were

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comments of being upset and disgusted at the fact that a tennis court went in. I think it's fair to say that we are not a board that can say whether the tennis court should have gone in or not, that's something that is out of our realm, the only thing we can do is to say in this 20 foot of section of the fence at the end of the tennis court in one direction can it be raised by two feet. I think that's the decision we have tonight.

MR. KANE: Exactly, that's why he's here.

MR. LUNDSTROM: With that in mind, Mr. Chairman, I will make the motion that the application by Stanley Mazza be approved by this board.

MS. LOCEY: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE



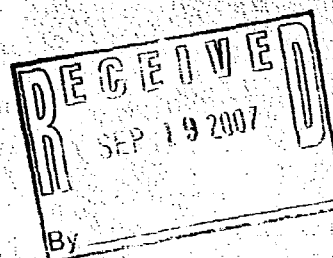
THE SENTINEL

P.O. BOX 406
VALS GATE, NY 12584

Invoice

Date	Invoice #
9/13/2007	775

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553



P.O. No.	Terms	Project
M.H.		

Issue Date	Description	Rate	Amount
8/28/2007	LEGAL ADS: 07-37 ZALOGA 1 AFFIDAVIT	11.45 4.00	11.45 4.00
8/28/2007	LEGAL ADS: 07-36 MICHAEL PISACRETA 1 AFFIDAVIT	14.61 4.00	14.61 4.00
8/28/2007	LEGAL ADS: 07-38 McLOUGHLIN 1 AFFIDAVIT	12.64 4.00	12.64 4.00
8/28/2007	LEGAL ADS: 07-40 COOPER 1 AFFIDAVIT	10.66 4.00	10.66 4.00
8/28/2007	LEGAL ADS: 07-42 STEVEN LARMON 1 AFFIDAVIT	11.45 4.00	11.45 4.00
8/28/2007	LEGAL ADS: 07-41 STANFORD 1 AFFIDAVIT	11.06 4.00	11.06 4.00
Total			\$95.87

**PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 07-37

Request of MATTHEW ZALOGA (for Mazza)

for a VARIANCE of the Zoning Local Law to Permit:

Request for variance to permit 8 ft.

fence for proposed tennis court at 1016 Forest Glen in an R-3 Zone (09-6-10)

PUBLIC HEARING will take place on SEPTEMBER 10, 2007

at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York

beginning at 7:30 PM.

Michael Kane, Chairman

State of New York

County of Orange, ss:

Kathleen O'Brien being duly sworn disposes and says that she is the Supervisor of Legal Dept. of the E.W. Smith Publishing Company; Inc., Publisher of The Sentinel, a weekly newspaper published and of general circulation in the Town of New Windsor, Town of Newburgh and City of Newburgh and that the notice of which the annexed is a true copy was published in said newspaper, 1 time (s) commencing on

the 28th day of Aug. A.D., 2007

and ending on the 28th day of

August A.D. 2007

Kathleen O'Brien

Subscribed and shown to before me this 19th day of Sept., 2007.

Deborah Green

Notary Public of the State of New York

County of Orange.

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
#4984065
Commission Expires July 15, 2011

My commission expires _____.



RESULTS OF Z.B.A. MEETING OF: Sept. 10, 2007

PROJECT: Zaloga (For Marza)

ZBA # 07-37

P.B.# _____

USE VARIANCE:

NEED: EAF _____

PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES ✓

VARIANCE APPROVED:

M) 14 S) 1 VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

Tabled: Sept. 24th:

CARRIED: Y _____ N _____

Need approval from Town Atty Re: Easement

Greg Uren - 1023 Forrest Glen - Against
Jarrod Flagg - Rolling Ridge - Against
Todd Morris - 1018 Forrest Glen - Against

Sept. 10, 2007 Agenda

RESULTS OF Z.B.A. MEETING OF:

September 24, 2007

PROJECT:

Zaloga (for Marza)

ZBA #

07-37

P.B.#

USE VARIANCE:

NEED: EAF

PROXY

LEAD AGENCY: M) S) VOTE: A N

GANN

LUNDSTROM

LOCEY

TORPEY

KANE

CARRIED: Y N

PUBLIC HEARING: M) S) VOTE: A N

GANN

LUNDSTROM

LOCEY

TORPEY

KANE

CARRIED: Y N

NEGATIVE DEC: M) S) VOTE: A N

GANN

LUNDSTROM

LOCEY

TORPEY

KANE

CARRIED: Y N

APPROVED: M) S) VOTE: A N

GANN

LUNDSTROM

LOCEY

TORPEY

KANE

CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) S)

VOTE: A N

GANN

LUNDSTROM

LOCEY

TORPEY

KANE

CARRIED: Y N

as tabled on 9/10/2007:

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED:

M) Lu S) Lo VOTE: A N

~~GANN~~

LUNDSTROM

LOCEY

TORPEY

KANE

CARRIED: Y N

September 24, 2007 Agenda



September 24, 2007

ZBA #

P.B.#

NEED: EAF

PROXY

NEGATIVE DEC: M) S) VOTE: A N

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y N

APPROVED: M) S) VOTE: A N

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y N

SCHEDULE PUBLIC HEARING: M)___ S)___ VOTE: A___ N___

CARRIED: Y_____ N_____

VARIANCE APPROVED: M)___ S)___ VOTE: A___ N___.

CARRIED: Y N

September 24, 2007 Agenda

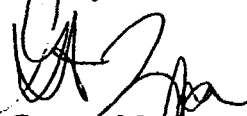
July 16, 2007

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

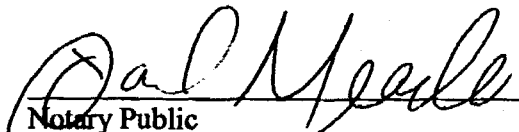
Re: 1016 Forest Glen

I, Gustavo Mazza, request permission to construct a tennis court which encroaches, at a maximum, approximately 7' onto a drainage easement owned by the Town of New Windsor. This request is being made because of an unforeseen outcropping of rock on my property which makes a shift in the footprint of the tennis court necessary. I currently propose to install paving stones over the easement and to permit their removal in the event the Town of New Windsor requires access. I hereby agree that I will hold the Town of New Windsor harmless for any claim, loss, damage, costs or any expense whatsoever should the Town of New Windsor need to remove said paving stones or other surface associated with the construction of a tennis court. Except in the case of a life threatening emergency, I request that the Town notify me fourteen (14) days in advance of removing said paving stones or other surface so that I will have the opportunity to do so myself.

Thank you.


Gustavo Mazza

Sworn to before me this 17
day of 7, 2007


Notary Public

DAVID MEADE
Notary Public, State of New York
No. 01ME6150372
Qualified in Kings County
Commission Expires July 24, 2010

September 24, 2007

27

FORMAL DECISIONS

MC DONALD
ELK'S CLUB
MENKENS
MATSUKA

LANDMASTER HARP LLC
DENISE STRALED
JEFFERS
QUERCIA

DEARNALEY

MR. KANE: We have nine formal decisions, we can take them in one vote if it pleases the board.

MR. LUNDSTROM: So moved all of them be approved.

MS. LOCEY: I'll second that motion.

ROLL CALL

MR. LUNDSTROM AYE
MS. LOCEY AYE
MR. TORPEY AYE
MR. KANE AYE

MR. KANE: Motion to adjourn?

MR. LUNDSTROM: Before we do I believe there's someone here, I'm not sure why he's standing up.

Mazza
MR. MORRIS: I would just like to let you see my neighborhood that we're going to put this proposed fence in and Mr. Mazza, my next door neighbor, and all those photos will show my house and the location where it's going to go. And I thank you very much for not reopening the public hearing which we were told it would be opened again. Todd Morris, 1018 Forest Glen.

MR. KANE: Motion to adjourn?

MR. LUNDSTROM: So moved.

Town of New Windsor

555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#533-2007

07/19/2007

Zaloga, Anne
522 Union Av
New Windsor, NY 12553

Received \$ 50.00 for Zoning Board Fees, on 07/19/2007. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

ZBA# 07-37



RESULTS OF Z.B.A. MEETING OF: July 23, 2007

PROJECT: Matthew Zaloga (for Marzga) ZBA # 07-37
P.B.# _____

USE VARIANCE: _____ NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

A
GANN A
LUNDSTROM A
LOCEY A
~~TORPEY~~ _____
KANE A

CARRIED: Y _____ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

Need current pictures showing excavation

July 23, 2007 agenda

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 07-17-07

FOR: ESCROW 07-37

FROM:

Matthew Zaloga
DBA MSZ LANDSCAPE CONSTRUCTION
522 Union Avenue
New Windsor, Ny 12553

CHECK FROM:
SAME

CHECK NUMBER: 1690

TELEPHONE: 567-3506

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME

J. Fenig 7-19-07

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

July 18, 2007

Matthew Zaloga
522 Union Avenue
New Windsor, Ny 12553

SUBJECT: VARIANCE REQUEST 07-37

Dear Mr. Zaloga:

This letter is to inform you that you have been placed on the July 23rd, 2007 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

Gustavo Mazza
1016 Forest Glen
New Windsor, Ny 12553

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

TOTAL CHARGES: _____



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

6/21/07
Date

Application Type: Use Variance ☐ Area Variance ☒
Sign Variance ☐ Interpretation ☐

- I. **Owner Information:** e-mail address: mazzafully@earthlink.net
Gustavo & Maria Mazza Phone Number: (845) 567-3506
(Name) Fax Number: ()
1016 Forest Glen, New Windsor, NY, 12553
(Address)
- II. **Applicant:** e-mail address: _____
MATTHEW ZAWBA Phone Number: (845) 565-9082
(Name) Fax Number: ()
522 UNION AVE NEW WINDSOR NY 12553
(Address)
- III. **Forwarding Address, if any, for return of escrow:** Phone Number: ()
Fax Number: ()
(Name)

(Address)
- IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number (845) 565-9082
MSZ LANDSCAPE Fax Number: ()
(Name)
522 UNION AVE, NEW WINDSOR NY 12553
(Address)
- V. **Property Information:**
Zone: R-3 Property Address in Question: _____
Lot Size: _____ Tax Map Number: Section 1 89 Block 6 Lot 10
a. Is pending sale or lease subject to ZBA approval of this Application? _____
b. When was property purchased by present owner? _____
c. Has property been subdivided previously? _____ If so, When: _____
d. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? _____

****PLEASE NOTE:****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF
SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. **In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

PLEASE ANSWER EACH OF THE FOLLOWING QUESTIONS SPECIFICALLY:

1. Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; NO. Heights Required to
keep TENNIS AREA to specs.
2. Whether the requested area variance is substantial; NO. End Height sought
8' Normal 6' Side Height 6' sought Normal 4'
3. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; NO. Use Black
cyclone fence. Visibility will not be lost.
4. Whether the alleged difficulty was self-created. NO. The only placement
AVAILABLE on Property

**After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

No Major impact on neighborhood. Aesthetically
Pleasing to the eye.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)

- ☐ Photographs of area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)**

XIV. AFFIDAVIT.

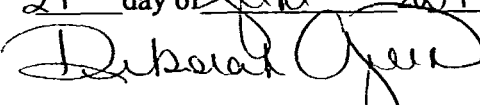
STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

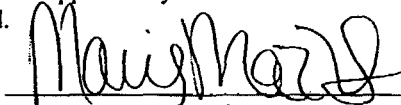
The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

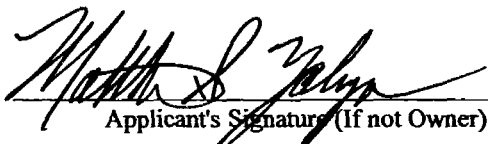
21st day of June 2007


DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
#4984065
Commission Expires July 15, 2011

Signature and Stamp of Notary


Owner's Signature (Notarized)

Maria Mazza
Owner's Name (Please Print)


Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

Gustavo & Maria Mazza, deposes and says that he resides
(OWNER)

at 1016 Forest Glen New Windsor, NY 12553 in the County of Orange
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map

(Sec. _____ Block _____ Lot _____)
designation number (Sec. 89 Block 6 Lot 10) which is the premises described in

the foregoing application and that he authorizes:

MATTHEW S. ZALOGA 522 UNION AVE NEW WINDSOR NY 12553
(Applicant Name & Address, if different from owner)

(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 6/21/07

Sworn to before me this
21st day of June 2007

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
#4984055
Commission Expires July 15, 2011

Deborah Green
Signature and Stamp of Notary

* Maria Mazza
Owner's Signature (MUST BE NOTARIZED)

Matthew Zalog
Applicant's Signature (If different than owner)

Representative's Signature

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

**** PLEASE NOTE:
ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

PROJECT I.D. NUMBER

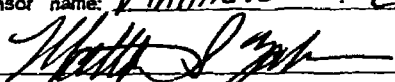
617.21

SEQR

Appendix C

State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
 For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR MATTHEW S. ZALOGA	2. PROJECT NAME FENCE INSTALLATION (cyclone)
3. PROJECT LOCATION: Municipality NEW WINDSOR County ORANGE	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 1016 Forrest Glen, New Windsor NY 12553 corner Lot ABUTTING SUMMIT WOODS	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: cyclone fence installation Around proposed Tennis Court	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly zoning 4' ON SIDES 6' IN BACK Asking For 8' High in Area	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals New Windsor NY Permit/Approval Fence install	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: MATTHEW S. ZALOGA Date: 6/20/07 Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	
NO ADVERSE EFFECTS	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	
NO ADVERSE EFFECTS / SEE THRU FENCE	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	
NO ADVERSE EFFECTS	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:	
NO ADVERSE EFFECTS	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
NO ADVERSE EFFECTS	
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:	

Name of Lead Agency	
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)

Date	

7/23



TOWN OF NEW WINDSOR
(845) 563-4615 (MYRA MASON)
ZONING BOARD APPLICATION PACKAGE

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (COMPLETE ONLY THE PAGES WITH HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN ONE ORIGINAL AND ONE COPY OF ALL PAPERWORK (unless otherwise specified) TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

Need

New

Sketch

of fence

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

*Call:
597-8144*

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST (PRELIMINARY) MEETING.

*

ESCROW

THIS IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

**

LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF PROPERTY IN QUESTION:

APPROXIMATE COST FOR PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES IS \$1.00 EA. ADDITIONAL NAME

PAGE 1

✍ **COMPLETE ONLY THE PAGES WITH CHECKED BOX IN CORNER OF PAGE. PLEASE SUBMIT ONE ORIGINAL AND ONE COPY OF ALL PAPERWORK (unless otherwise specified).**

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE). BRING ENOUGH ENVELOPES PREPARED WITH YOUR RETURN ADDRESS AND A REGULAR \$.39 STAMP WITH YOU....**YOUR PUBLIC HEARING DATE WILL BE SET AT THIS TIME.**
3. WHEN YOU COME IN TO PICK UP YOUR LIST, **ALLOW YOURSELF ENOUGH TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL.** YOU WILL BE GIVEN ENOUGH "NOTICES OF PUBLIC HEARING" TO PUT ONE IN EACH ENVELOPE AND SEAL IT. (It may be easier for you if you bring self-sealing envelopes.)
4. **BRING THE COMPLETED ENVELOPES TO THE ZONING BOARD SECRETARY FOR MAILING. BY DOING IT THIS WAY, WE AVOID HAVING TO SEND EACH ENVELOPE "CERTIFIED MAIL" WHICH IS VERY COSTLY.**

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

ZONING BOARD OF APPEALS

TO ALL ZONING BOARD OF APPEALS APPLICANTS:

Please note the attached letter from Orange County Department of Planning asking that referrals be made to their office for review.

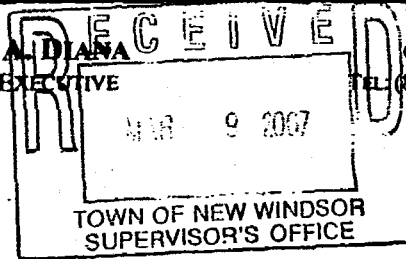
Due to this request, your application will be sent to Orange County Department of Planning for review. We are hoping to do this in a way that does not add to the time it normally takes to seek a variance.

Thank you for your cooperation in this matter.

ZONING BOARD OF APPEALS

**COUNTY OF ORANGE****DEPARTMENT OF PLANNING**

EDWARD A. DIANA
COUNTY EXECUTIVE



124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (845)291-2318 FAX: (845)291-2533

DAVID CHURCH, A.I.C.P.
COMMISSIONER

5 March, 2007

POLICY REMINDER**REFERRAL OF CERTAIN MUNICIPAL PERMITS AND ACTIONS**

to COUNTY PLANNING as per NYS GENERAL MUNICIPAL LAW §239 L, M & N

NEW POLICY GUIDEBOOK ATTACHED

As an essential part of Orange County's renewed interest and involvement in planning and development policy, the Planning Department continues to gain staff capability and expertise. The Orange County Planning Department reviews all projects that meet the requirements of Section 239 of the NYS General Municipal Law (GML §239) for County referrals. Please be sure that your municipality is sending the required applications that come under the provisions of GML § 239. Keep in mind that if there is a project that falls under the non-mandatory review requirement, we will be glad to review it upon request of a municipal official.

A new guidebook is attached detailing the NYS GML §239 referral process here in Orange County. Additional copies of this guidebook can be downloaded at www.orangecountygov.com/planning.

As a refresher, prior to making a decision on certain permits or actions, GML § 239 requires that you send to County Planning a copy of the complete application for the following "proposed actions" that are within 500 feet of the properties or thresholds listed in the statute (GML § 239-m (3)):

1. The adoption of a municipal comprehensive plan, zoning ordinance or law, or an amendment to either one;
2. The granting of a use or area variance;
3. The issuance of special use permits;
4. Site plans for residential uses;
5. Site plans for non-residential uses;
6. Subdivisions plats;
7. Other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law.

Proposed "actions" must be referred to County Planning prior to your decision if they apply to real property within five hundred (500) feet of the following:

1. The boundary of any city, village or town;
2. The boundary of any existing or proposed county or state park or any other recreation area;

July 6, 2007

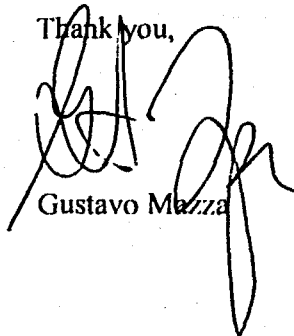
Town of New Windsor
555 Union Avenue
New Windsor NY 12550

RE: 1016 Forest Glen

To Whom It May Concern:

I, Gustavo Mazza, do hereby agree to save and hold harmless, the Town of New Windsor from any liability whatsoever with respect to the installment of a fence across a Town of New Windsor sewer easement. I further agree, that I will not expect reimbursement from any claim, loss, damage, costs and/or expenses, should the Town of New Windsor need to remove said fence to access the sewer easement. Except in the case of a life safety emergency, I request that the town notify me, fourteen (14) days in advance of removing the fence so that I will have the opportunity to do so myself.

Thank you,



Gustavo Mazza

ELIZABETH A. CHRISTIE
Notary Public, State of New York
No. 01MI5067649
Qualified in Richmond County
Commission Expires October 21, 2011

